United Nations E/ICEF/2019/5

Economic and Social Council

Distr.: General
10 December 2018

Original: English

For decision

United Nations Children's Fund
Executive Board
First regular session 2019
5–7 February 2019
Item 8 of the provisional agenda*

Independent panel review of the UNICEF response to protection from sexual exploitation and abuse**

Executive summary***

Summary

In March 2018, the Executive Director of UNICEF requested the Evaluation Office to undertake an independent review of the UNICEF response to protection from sexual exploitation and abuse (PSEA). The objectives of the independent review were to examine what is working as well as areas that need improvement, identify ways of deepening management accountability and improve the organization's policies, systems, and responses, as well as its culture. The Evaluation Office established an independent panel of experts for this purpose. The resulting report reflects the views of the independent panel following key interviews, field visits and a document review.

The report recommends 32 action points across the four pillars of the 2012 Inter-Agency Standing Committee Minimum Operating Standards for PSEA: management and coordination, community engagement, prevention and response. One of the overall messages of the panel is that UNICEF needs a whole-of-organisation strategy and an action plan for PSEA. The strategy and action plan must take into account five conditions for UNICEF to fundamentally improve PSEA: accountability, leadership, organizational culture, coherence (within UNICEF and system-wide in the United Nations), and the connected impact of these conditions on the ground. The panel finds that while elements of these conditions exist they are not yet sufficient, at scale, or strong enough to constitute a fully effective system for PSEA.

Elements of a decision for consideration by the Executive Board are provided in section IV.

* E/ICEF/2019/1.

** The review and its executive summary were prepared by an independent panel and therefore do not necessarily reflect the policies or views of UNICEF. In order to retain the independence of the text, it was edited by the panel and not by UNICEF.

*** The executive summary of the panel review is being circulated in all official languages. The full report is available in English from the UNICEF Evaluation Office website (see annex).

18-21101 (E) 111218

Please recycle

I. Executive Summary

1. Following mounting concerns over the UN's handling of sexual exploitation, abuse and harassment, the incoming Executive Director of UNICEF requested the Evaluation Office to establish an Independent Panel of Experts in late May 2018 to undertake a Review of UNICEF's approach to Protection from Sexual Exploitation and Abuse (PSEA). The Members of the Panel are Yasmin Sooka, Kathleen Cravero and Susanne Frueh.[1] The Independent Panel built on research work undertaken by an earlier team of consultants between March and May 2018.

2. This independent review on PSEA needs to be put in the context of two parallel, relevant reviews that were commissioned during this period: (1) a review by a law firm of how UNICEF has investigated sexual harassment in the last five years was launched in February 2018 and completed its work by August 2018; (2) an Independent Task Force on Workplace Gender Discrimination and Harassment at UNICEF launched in June 2018 and is due to complete its work by February 2019.

3. This report reflects the view of an independent expert panel formed following key interviews, field visits and document review. It is not an evaluation. At the core of the review is the need to assess what UNICEF has put in place for PSEA and to what extent this is known, applied and funded, and to ask how could UNICEF improve on this to ensure that what is in place is applied or to improve what is in place if it is not up to standard?

4. The lens applied by the Panel to its work reflected five necessary conditions for effective PSEA; Accountability, Leadership, Organisational Culture, Coherence (within UNICEF and UN system-wide), and Connected Impact of these conditions on the ground. The report is structured across four pillars of management and coordination, community engagement, prevention and response in line with the 2012 IASC Minimum Operating Standards for PSEA.

5. Within this frame, this review examines all five areas of UNICEF's work on PSEA:

(a) Reporting mechanisms;

(b) Victim assistance;

(c) Investigation and accountability and governance;

(d) Capacity strengthening and coordination; and

(e) Prevention including safeguarding.

6. The Panel considers UNICEF to have a unique role in the UN system as advocate for the protection of children's rights, guided by the Convention on the Rights of the Child. It is particularly important that, as an organisation protecting and helping children and adolescents, that UNICEF have relevant policies and mechanisms against SEA in place. The Panel agrees that UNICEF alone cannot ensure protection from SEA; it is a system-wide responsibility. Effective PSEA is about the wider UN System, and indeed the still wider international humanitarian, development and peace support communities of aid and assistance. The Panel encourages the potential for UNICEF to be more strategic in bringing its unique role to ensuring that system-wide PSEA policies, practices, and processes are child-friendly and treat children appropriately as rights-holders.

7. The Panel feels the time for more action is overdue and that the UN has caught itself up in an over-emphasis on structures and guidance and a lack of focus on making

[1] The Panel was supported in its work by a senior consultant, Eleanor O'Gorman.

them work better. This report is one in a series of existing, planned or ongoing reviews related to SEA and need to be taken together to learn practical lessons for more accountability and action.

II. Summary Key Findings

8. The Panel sets out Key Findings under each of the 4 core chapters and provides 32 Action Points across the report responding to these. In summary these address the following:

A. Management and Coordination of PSEA

(a) The IASC PSEA Minimum Operating Standards (2012) need to be updated to operate more fully as a system-wide accountability and benchmarking framework.

(b) Too many separate policy and guidance papers signal the lack of a coherent 'whole of organisation' strategy for UNICEF on PSEA; there is an information overload and strategic deficit on PSEA, and need for support on operational implementation.

(c) Need to establish a systemic (whole of organisation) approach, upgraded leadership structure, and sustained resources for PSEA.

(d) Need for enhanced UN coherence on PSEA to help system work together better.

B. Community Engagement

(a) A paradigm shift is needed in treating communities and victims as rights-holders rather than labelling them as beneficiaries.

(b) Need for fuller engagement with communities at earlier points for prevention and to consider this beyond humanitarian settings only.

(c) Community Based Complaints Mechanisms (CBCMs) are a necessity in high risk countries and need to be fully tested, as part of the overall need to establish One UN reporting systems at country level in all settings.

C. Prevention

(a) A need to move beyond fragmented compliance measures and build a more systemic approach to preventing SEA that includes more active promotion of deterrence.

(b) Organisational culture is the enabling environment of PSEA and needs a long-term perspective with ongoing proactive measures and tracking of change; this includes promoting a 'speak out' culture.

(c) The transfer of money to implementing partners does not transfer the risks of SEA.

(d) PSEA is not yet embedded in risk management at headquarters and field level.

D. Response

(a) Chronic under-reporting is a systemic concern and stumbling block to accountability and prevention of SEA.

(b) The approach, management and outcomes of investigations involving SEA need significant improvement and coherence.

(c) Victim Assistance needs to be urgently reviewed with a right-based lens to clarify support to victims, as well as UNICEF roles, responsibilities and resources in the context of system-wide accountability.

III. Key Messages and Way Forward

9. The core message of the Panel is that UNICEF needs a whole of organisation strategy and an action plan for PSEA. Both of these must reflect the five necessary conditions required for UNICEF to improve fundamentally the prevention of SEA: Accountability, Leadership, Organisational Culture, Coherence (within UNICEF and UN system-wide), and Connected Impact of these conditions on the ground.

10. The panel finds that while elements of these conditions exist they are not yet sufficient, at scale, or strong enough to constitute a fully effective system for PSEA.

11. Accountability must be at the heart of such a system. This requires a paradigm shift in how UNICEF engages with SEA along the following lines.

(a) The individuals and communities with which UNICEF works must be viewed as rights-holders rather than beneficiaries. UNICEF is a duty-bearer in relation to these rights.

(b) *Ad hoc* fragmented actions across the many levels of UNICEF must be replaced by a clear and compelling whole of organisation strategy.

(c) PSEA must be seen as a management responsibility rather than the extension of child protection or GBV programmes.

(d) The emphasis must move from a maze of policy documents on PSEA to operational reality. UNICEF staff need practical, user-friendly guidance on PSEA. They need to understand their accountability as duty-bearers towards children and the communities in which children live.

(e) PSEA must be seen as relevant in all UNICEF operations, not only in humanitarian settings. UNICEF must be pro-active in identifying and managing PSEA risks, not only responding to crisis. The root causes of and risks for SEA must be identified in all contexts, across all programme areas and in every setting that UNICEF works.

(f) Implementing partners should be seen as potential allies in PSEA and, as such, given support, guidance and resources to ensure PSEA within their operations. While implementing partners must be held accountable in this regard, UNICEF cannot transfer its own risk and responsibilities to these partners.

(g) A culture must be created that rewards speaking up on PSEA, eliminates fear of retribution and inspires confidence that the "system works".

(h) Deterrence contributes to the prevention of SEA and reinforces the presence of accountability. To this end, consequences for SEA need to be communicated and backed up by credible sanctions.

(i) UNICEF must embrace its role as lead advocate for children's rights and needs in all system-wide policies, mechanisms and actions on the ground.

(j) SEA and preventing it, are not problems for UNICEF alone. They are system-wide issues and thus require system-wide accountability and action. UNICEF cannot and should not allow the rest of the system to abdicate its responsibility for prevention or for victim assistance. It has two key and reinforcing roles: push the system to do more and better to prevent SEA; and ensure that whatever system-wide action is taken has the rights and needs of children at its center.

12. The Panel concludes that the Action Points set out in this report need to be implemented, guided by the strategic following directions.

(a) Continue the persistent tone at the top aiming at culture change at all levels through various means — including ensuring the centrality of accountability in all of UNICEF's actions on PSEA.

(b) Shift the focus on reporting, policy development and guidance materials to prevention and ensuring accountability both at global and country level.

(c) Develop a concise, strategic, three-year whole-of-organisation strategy, accompanied by a theory of change and an accountability framework.

(d) Develop a clear communications approach to PSEA that is adaptable to the country-specific context.

(e) Using a risk-based approach, provide support (including through additional resources) for full PSEA roll out throughout UNICEF in both humanitarian and development contexts.

(f) Put accountability at the centre of detection, investigation and sanctions for cases, as well as the treatment of victims as rights-holders at all stages of reporting, investigation, assistance and outcome.

(g) Use the chairpersonship of IASC SEA/SHA to promote inter-agency accountability and learning, pooling of resources to maximise in-country impact, rolling out of a rights-based approach to community engagement on PSEA, simplifying and centralising reporting at the country level to a single focal point responsible to the SRSG/RC/HC who in turn should be held accountable for ensuring sustainable PSEA systems.

IV. Draft decision

The Executive Board

Takes note of the following documents presented to the Executive Board at the first regular session of 2019:

(a) Formative evaluation of the Out-Of-School Children Initiative, its executive summary (E/ICEF/2019/3) and its management response (E/ICEF/2019/4);

(b) Independent panel review of the UNICEF response to protection from sexual exploitation and abuse, its executive summary (E/ICEF/2019/5) and its management response (E/ICEF/2019/6).

Annex

Independent panel review of the UNICEF response to protection from sexual exploitation and abuse

Due to space limitations, the text of the independent report entitled "Independent panel review of the UNICEF response to protection from sexual exploitation and abuse" is not contained in the present annex. The report (78 pages) is available from the UNICEF Evaluation Office website:

www.unicef.org/evaluation/files/Independent_Panel_Report_UNICEF_Review_PSEA.pdf